

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR211
)	
v.)	
)	
RUBEN OLIVARES, and,)	AMENDED PRELIMINARY
MARIO DELGADO-PAZ,)	ORDER OF FORFEITURE
a/k/a Fernando Ramos-Quiles, a/k/a Wetto,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon the United States' Amended Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief (Filing No. 99). The Court has reviewed the record in this case and finds as follows:

1. On March 23, 2007, the United States filed a Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief (Filing No. 94) in the above-captioned case. On March 23, 2007, this Court issued a Preliminary Order of Forfeiture (Filing No. 95) forfeiting the defendants' interest in \$685.00, \$1,100.00, \$1,353.00, 2003 Chevrolet Silverado K1500, VIN 1GCEK19T63Z194505, and 1998 Suzuki Esteem, VIN JS2GB31S4W5147384.

2. After a review of the file, the United States noticed an error in the preparation of the Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief and Preliminary Order of Forfeiture. The defendant, Ruben Olivares, pled guilty to Count VII of the Superseding Indictment, not Count VIII. Count VII of the Superseding Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of one 1996 Toyota Corolla, VIN

1NXBB02E3TZ488039, registered Ruben Olivares. Count VIII of the Superseding Indictment was dismissed on August 10, 2006, pursuant to this Court's Order (Filing No. 37).

3. The United States' Amended Motion for Issuance of Preliminary Order of Forfeiture should be sustained. Accordingly,

IT IS ORDERED:

A. The United States' Amended Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Counts VI, VII and XIII of the Superseding Indictment and the defendants' pleas of guilty, the United States Bureau of Alcohol, Tobacco and Firearms ("ATF") is hereby authorized to seize the following-described properties: \$685.00, \$1,100.00, \$1,353.00, 1996 Toyota Corolla, VIN 1NXBB02E3TZ488039, and 1998 Suzuki Esteem, VIN JS2GB31S4W5147384

C. Defendants' interest in said properties is hereby forfeited to the United States of America for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned forfeited properties are to be held by ATF in its secure custody and control.

E. Pursuant to 21 U.S.C., § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject properties are situated, notice of this Order, notice of ATF's intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the defendants, having or claiming a legal interest in any of the subject forfeited properties

must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 16th day of April, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, SENIOR JUDGE
United States District Court